

INTELLECTUAL PROPERTY LAW

PATENTS, TRADEMARKS,

COPYRIGHTS, UNFAIR

COMPETITION, TRADE SECRETS,

LITIGATION, DISPUTE RESOLUTION

AND RELATED MATTERS

SALT LAKE AREA OFFICE
8180 SOUTH 700 EAST, SUITE 200
SANDY, UTAH 84070-0562
801.566.6633
801.566.0750 FAX
PATLAW@TNW.COM
WWW.TNW.COM

U.S. MAILING ADDRESS
P.O. Box 1219
SANDY, UTAH 84091-1219

LAS VEGAS AREA OFFICE
OF COUNSEL: NEIL J. BELLER †
7408 WEST SAHARA
LAS VEGAS, NEVADA 89117
702.368.7767
† ADMITTED IN NEVADA

VAUGHN W. NORTH
M. WAYNE WESTERN
GARRON M. HOBSON
PETER M. DE JONGE
CLIFTON W. THOMPSON
STEVE M. PERRY
WEILI CHENG, PH.D.
DAVID R. MCKINNEY, P.E.
GARY P. OAKESON
DAVID W. OSBORNE
DAVID L. STOTT
JASON R. JONES
ERIK S. ERICKSEN, M.S.
JOHN W. L. OGILVIE
ALEX HAYMOND, B.S. EE
NATHAN S. WINESETT
ATTORNEYS

TODD B. ALDER, PH.D.
JONATHAN M. BENNS, PH.D.
PATENT AGENTS

AARON M. SMITH, B.S. EE
WILLIAM T. RALSTON, PH.D. EE
TECHNICAL CONSULTANTS
CALVIN E. THORPE
(1938-1999)

June 25, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/825,863 filed 04/16/04
Applicant: Schmanski, Donald
Title: **BREAD IMPALING COOKING UTENSIL**
Group Art Unit:
Attorney Docket No: 21689.NP

Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- Form PTO-1449 list of 11 references submitted for consideration.
- Legible copies of the listed references or their relevant portions.
- Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

Commissioner for Patents

Page 2

All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.

Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.

Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. _____, filed on _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

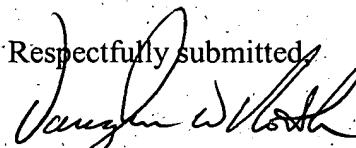
In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

Statement under 37 C.F.R. § 1.97(e)(1) or (2).

Check No. _____, which includes the amount of \$0.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

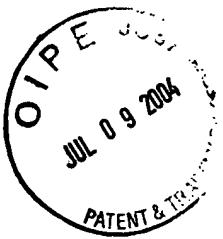
Respectfully submitted,


Vaughn W. North
Attorney for Applicant
Registration No. 27,930

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

6

VWN/CLJ/skp



PATENT APPLICATION
ATTORNEY DOCKET NO. 21689.NP

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT:

EXAMINER:

APPLICANT: Schmanski, Donald

SERIAL NO.: 10/825,863

FILED: 4/16/2004

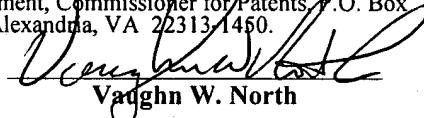
CONFIRM. NO.:

FOR: BREAD IMPALING COOKING UTENSIL

CERTIFICATE OF MAILING
UNDER 37 C.F.R. § 1.8

DATE OF DEPOSIT: 7/6/04

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Vaughn W. North

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or

Information Disclosure Statement

Application No. 10/825,863

Page 2

listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

Legible copies of the listed non-patent literature and foreign documents or their relevant portions. Copies of U.S. patents and/or publications are NOT included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).

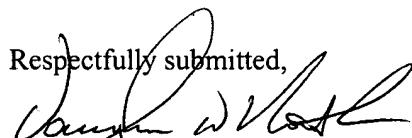
The references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 6 day of June 2004.

Respectfully submitted,


Vaughn W. North
Attorney for Applicant
Registration No. 27,930

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633


VWN/CLJ/skp
Enclosure

PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			ATTY. DOCKET NO. 21689.NP	SERIAL NO. 10/825,863
LIST OF PRIOR ART CITED BY APPLICANT			APPLICANT Schmanski, Donald		
			FILING DATE 04/16/04	GROUP _____	

U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	1,902,564	Mar 21, 1933	Mabey			
	A2	1,990,412	Feb 5, 1935	Merritt			
	A3	2,059,133	Oct 27, 1936	Merritt			
	A4	2,648,275	Aug 11, 1953	Thompson			
	A5	2,735,356	Feb 21, 1956	Sacks			
	A6	3,377,943	Apr 16, 1968	Martin			
	A7	3,635,146	Jan 18, 1972	Aubert			
	A8	3,792,653	Feb 19, 1974	Davidson			
	A9	3,965,808	Jun 29, 1976	Chomette			
	A10	4,119,020	Oct 10, 1978	Sharp et al.			
	A11	6,416,804	Jul 9, 2002	Sherwin			
	A12						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

EXAMINER DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.